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EXAMINER	
LONSBERRY, HUNTER B	

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/834,427	BIXBY ET AL.	
	Examiner	Art Unit	
	Hunter B. Lonsberry	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4-16,18-20,23-25,53-58 and 62-80* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-16,18-20,23-25,53-58 and 62-76* is/are rejected.

7)☒ Claim(s) *20 and 76-80* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Freeman fails to teach the limitation "so that the data from the first clip does not overlap the second clip" (Pages 32-33).

Regarding applicant's argument, the Examiner disagrees. Freeman teaches that there is a seamless transition for the user as once the decoder detects a splice point, the decoder begins to load the second stream into a buffer (paragraphs 182, 194). As there is a seamless transition there is no overlap of data displayed to the user.

Applicant argues that Freeman fails to disclose the decoders requesting MPEG2 data (page 35).

With regards to applicant's argument, Freeman discloses a decoder requesting MPEG information at paragraphs 78-79.

Applicant argues that Freeman fails to teach a substantially full condition, but does teach buffering enough data to ensure continuous playback of a video stream (Pages 35-36).

The examiner interprets substantially full condition to mean enough data to ensure continuous playback of a video stream. Applicant has failed to specifically point out how this does not meet the requirement of being substantially full.

Applicant argues that the Buffer in question in Adams is at the headend and not an MPEG decoder buffer at the STB (37-39) and fails to teach taking account data, which has been transmitted but not yet received.

Regarding applicants argument, the claim is silent as to where the buffer and decoders are located. The claim language does not specify if these items are located in a set top box or in a headend. Further, Adams discloses that the data fullness calculations take into account transmission delays associated with the tolerance for different types of data and that some of the data is transmitted via a constant bit rate, which has a poor tolerance for transmission delays and has the highest priority (column 2, lines 15-34, column 3, lines 52-58, column 6, lines 38-40) Therefore the combination with Adams is appropriate.

Claim Objections

2. Claim 20 objected to because of the following informalities: Claim 20 begins with "The method as claimed in claim 17,". Claim 17 has been canceled. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 4-8, 10, 13-16, 19, 62, 64-67 and 70-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0129374 A1 to Freeman in view of U.S. Patent 6,018,765 to Durana.

Regarding claim 4, Freeman discloses method of producing a real-time video stream from stored MPEG encoded video clips (paragraphs 63, 97), the MPEG encoded video clips being contained in data storage of a video server (paragraph 97), the method comprising:

reading segments of the MPEG encoded video clips from the data storage (paragraphs 97-98), the segments of the MPEG encoded video clips being decoded by respective first and second decoders in a decoder pair (figure 4, decoders 110a/b), the first decoder decoding at least a portion of a first MPEG encoded video clip and the second decoder decoding at least a portion of a second MPEG encoded video clip (paragraphs 87-89), the real-time video stream being obtained by operating a video switch 108 (paragraphs 81/83) to switch between a video output of the first decoder and a video output of the second decoder to select a specified In-point frame in the second MPEG encoded video clip that is selectable as any MPEG frame type at any location in an MPEG group of pictures structure (paragraphs 89-93, the splicing can occur at the end of the B frame at the end of GOP1 prior to the I frame of GOP 2),

the decoders and video switch are operated in response to control commands from the video server (paragraphs 98-103, the splicing and witching instructions are placed in a scripting language and forwarded to the encoder 312, these commands are relayed to the receivers where the switching and decoding occurs).

Freeman fails to disclose the use of configuration commands used by the video server for configuring the decoders by the video server obtaining the configuration status of the decoders and by the video server setting operational modes of the respective decoders.

Durana discloses a video server 30 with host 10 and decoders 14, host 10 is in communication with the decoder over command path 16 and receives status and error information (column 3, lines 26-40, column 9, lines 60-67, column 10, line 60-column 11, line 39), the host may utilize various command codes to set the operational modes of the respective decoders via play, pause, continue, stop, select audio and other commands (column 8, line 58-column 9, line 9, 60-column 10, line 59), additional mass storage devices and decoders may be connected to the video server in order to scale from small single user systems to larger multi-user networks (column 3, lines 41-53).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Freeman to utilize the status, control signals, and expandability features of Durana, for the advantages of ensuring that decoders are operating properly, and making it easy to scale a server system so that it may provides services from a small network to a large network.

Regarding claims 5, 19, Freeman discloses asynchronous edit requests between the decoders and the video server may be transmitted (paragraphs 118, 120, 176-187, targeted ads, may be presented to a user).

Regarding claim 6, Freeman discloses method of producing a real-time video stream from stored MPEG encoded video clips (paragraphs 63, 97), the MPEG encoded video clips being contained in data storage of a video server (paragraph 97), the method comprising:

reading segments of the MPEG encoded video clips from the data storage (paragraphs 97-98), the segments of the MPEG encoded video clips being decoded by respective first and second decoders in a decoder pair (figure 4, decoders 110a/b), the first decoder decoding at least a portion of a first MPEG encoded video clip and the second decoder decoding at least a portion of a second MPEG encoded video clip (paragraphs 87-89), the real-time video stream being obtained by operating a video switch 108 (paragraphs 81/83) to switch between a video output of the first decoder and a video output of the second decoder to select a specified In-point frame in the second MPEG encoded video clip that is selectable as any MPEG frame type at any location in an MPEG group of pictures structure (paragraphs 89-93, the splicing can occur at the end of the B frame at the end of GOP1 prior to the I frame of GOP 2),

the decoders and video switch are operated in response to control commands from the video server (paragraphs 98-103, the splicing and witching instructions are

placed in a scripting language and forwarded to the encoder 312, these commands are relayed to the receivers where the switching and decoding occurs).

Freeman fails to disclose transmitting asynchronous status reports of decoding events from the decoders to the video server when decoding events occur.

Durana discloses that in response to various decoding error states and a status command, the decoder transmits error messages to the host 10 (column 11, lines 3-39), thus allowing for easy correction of errors by informing the host of the problem.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Freeman to utilize the error reporting features of Durana for the advantage of informing the host of decoding errors to allow for the problem to be fixed.

Regarding claim 7, Freeman discloses that the decoders may request and obtain MPEG encoded data from the video server (paragraphs 76-79).

Regarding claims 8, Freeman discloses that the video server maintains the decoder data buffers in a substantially full condition (paragraphs 85, 124-125).

Regarding claim 10, Freeman discloses that the video switch is operated to switch between the video output of the first and second decoders to a specified in point frame of the second MPEG video clip at the occurrence of a specified time code (paragraphs 99-101).

Regarding claim 13, Freeman discloses that the video server prepares for switching between the first and second clip by loading a portion of the second video clip to buffer memory in response to a request from the second decoder (paragraphs 89,99, 105-107, 125-127).

Regarding claims 14, and 66 Freeman discloses that the video server prepares for the switch between the first and second decoders by initiating a stream of MPEG data to the second decoder so that the data from the first clip does not over lap the second clip (figure 4 buffers 164/165 for the respective first and second decoders 100a/b, paragraphs 124-127, the second stream data is buffered prior to the switch).

Regarding claims 15 and 67, Freeman discloses that the video server prepares for the switch between the first and second decoders by initiating a stream of MPEG data to the second decoder, (paragraphs 124-127) the switching point being referenced by a frame other than an I frame (paragraphs 89-93).

Regarding claims 16 and 64, Freeman discloses that the video server and decoders utilize a common house clock signal (paragraphs 86, 100, 112, 117), the video clips are switched to a specified in point frame at the occurrence of a specified time code in the house clock signal (paragraph 99-101).

Regarding claim 62, Freeman discloses an apparatus for producing a real-time video stream from stored MPEG encoded video clips (paragraphs 63, 97), said apparatus comprising:

A video server including data storage containing the MPEG encoded video clips (paragraph 97)

An MPEG decoder pair (figure 4, decoders 110a/b) coupled to the video server via demodulators 102 a/b for producing a real-time video stream from the video clips stored on the video server (paragraphs 87-89),

Wherein the video server includes cached disk storage for storing the MPEG encoded video clips (paragraphs 97/204), a data mover computer 312 coupled to the cached disk storage for streaming segments of the MPEG video clips to the decoder pair (paragraphs 99-101), a controller server computer 316 coupled to the data mover computer 304 for controlling the data mover computer (paragraphs 98-102),

Further including a video switch 108 (paragraphs 81/83) for switching from the first decoder and the second decoder (paragraphs 87-89) at the occurrence of a specified time code (paragraphs 99-101), the video server and decoder pair being programmed for switching said video switch for selecting a specified in point frame that is selectable as any MPEG frame type at any location in an MPEG GOP structure (paragraphs 89-93, the splicing can occur at the end of the B frame at the end of GOP1 prior to the I frame of GOP 2), the decoders are coupled to the data mover computer 312 via RF demodulators 102 a/b (figure 4).

a microprocessor 108 controls the switching functions and the decoders and receives commands from the data mover computer via demodulators 102a/b (Paragraphs 81/83),

a data mover computer is programmed to prepare for switching from the video output from one of the decoders in a pair to a specified in-point frame by the second decoder by fetching data from the disk into buffer memory (paragraphs 85, 123-125) in response to a request from the second buffer, edit requests (interactive selection) allow the decoders in the decoder pair to be controlled for editing content of the real-time video stream (paragraphs 118, 120, 169-187).

The combination of Freeman and Adams fails to disclose the use of configuration commands used by the video server for configuring the decoders by the video server obtaining the configuration status of the decoders and by the video server setting operational modes of the respective decoders.

Durana discloses a video server 30 with host 10 and decoders 14, host 10 is in communication with the decoder over command path 16 and receives status and error information (column 3, lines 26-40, column 9, lines 60-67, column 10, line 60-column 11, line 39), the host may utilize various command codes to set the operational modes of the respective decoders via play, pause, continue, stop, select audio and other commands (column 8, line 58-column 9, line 9, 60-column 10, line 59), additional mass storage devices and decoders may be connected to the video server in order to scale from small single user systems to larger multi-user networks (column 3, lines 41-53).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Freeman to utilize the status, control signals, and expandability features of Durana, for the advantages of ensuring that decoders are operating properly, and making it easy to scale a server system so that it may provides services from a small network to a large network.

Regarding claim 65, Freeman discloses that the data mover computer is programmed to prepare for switching from the video output from one of the decoders in a pair to a specified in-point frame by the second decoder by fetching data from the disk into buffer memory (paragraphs 85, 123-125) in response to a request from the second buffer.

Regarding claim 70, see claims 62, 64, 67.

Regarding claim 71, Freeman discloses that the data mover computer is programmed to prepare for switching from the video output from one of the decoders in a pair to a specified in-point frame by the second decoder by fetching data from the disk into buffer memory (paragraphs 85, 123-125) in response to a request from the second buffer.

Regarding claim 72, Freeman discloses that the video server prepares for the switch between the first and second decoders by initiating a stream of MPEG data to

the second decoder so that the data from the first clip does not over lap the second clip (figure 4 buffers 164/165 for the respective first and second decoders 100a/b, paragraphs 124-127, the second stream data is buffered prior to the switch).

Regarding claim 73, Freeman discloses that the video server prepares for the switch between the first and second decoders by initiating a stream of MPEG data to the second decoder, (paragraphs 124-127) the switching point being referenced by a frame other than an I frame (paragraphs 89-93).

4. Claims 11, 20, 23-25, 53-56 and 58, are rejected under 35 U.S.C. 103(a) as being unpatentable over by U.S. Patent Application Publication 2002/0129374 A1 to Freeman in view of U.S. Patent 6,124,878 to Adams.

Regarding claims 11, 20, and 58, Regarding claim 6, Freeman discloses method of producing a real-time video stream from stored MPEG encoded video clips (paragraphs 63, 97), the MPEG encoded video clips being contained in data storage of a video server (paragraph 97), the method comprising:

reading segments of the MPEG encoded video clips from the data storage (paragraphs 97-98), the segments of the MPEG encoded video clips being decoded by respective first and second decoders in a decoder pair (figure 4, decoders 110a/b), the first decoder decoding at least a portion of a first MPEG encoded video clip and the second decoder decoding at least a portion of a second MPEG encoded video clip

(paragraphs 87-89), the real-time video stream being obtained by operating a video switch 108 (paragraphs 81/83) to switch between a video output of the first decoder and a video output of the second decoder to select a specified In-point frame in the second MPEG encoded video clip that is selectable as any MPEG frame type at any location in an MPEG group of pictures structure (paragraphs 89-93, the splicing can occur at the end of the B frame at the end of GOP1 prior to the I frame of GOP 2),

the decoders and video switch are operated in response to control commands from the video server (paragraphs 98-103, the splicing and witching instructions are placed in a scripting language and forwarded to the encoder 312, these commands are relayed to the receivers where the switching and decoding occurs).

the video server and decoders utilize a common house clock signal (paragraphs 86, 100, 112, 117), the video clips are switched to a specified in point frame at the occurrence of a specified time code in the house clock signal (paragraph 99-101), a backchannel encoder 368 which transmits data back to the headend which includes edit requests (interactive selection)

the server maintains the buffers in a substantially full condition (paragraphs 85, 124-125).

Freeman fails to disclose sending a request for data including a buffer free space value and an offset value indicating any data previously transmitted but not yet received from the server, the server responding to the request by sending data to substantially fill the buffer.

Adams discloses a system in which a buffer transmits a fullness value to a server and compares the amount of data current within the data, as well as the age of data previously received from a server and remains in the buffer to a server (figure 9, column 10, lines 14-52, figure 10, column 11, lines 5-60), this data is utilized to determine how much data is to be sent to the buffer, to ensure that the buffer does not become too full.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Freeman to utilize the buffer monitoring features, including a fullness and age of data attribute of Adams, for the advantage of ensuring that a buffer does not become too full or too old.

Regarding claim 23, Freeman discloses that the video server prepares for the switch between the first and second decoders by initiating a stream of MPEG data to the second decoder so that the data from the first clip does not over lap the second clip (figure 4 buffers 164/165 for the respective first and second decoders 100a/b, paragraphs 124-127, the second stream data is buffered prior to the switch).

Regarding claim24, Freeman discloses that the video server prepares for the switch between the first and second decoders by initiating a stream of MPEG data to the second decoder, (paragraphs 124-127) the switching point being referenced by a frame other than an I frame (paragraphs 89-93).

Regarding claim 25, Freeman discloses that the video server and decoders utilize a common house clock signal (paragraphs 86, 100, 112, 117), the video clips are switched to a specified in point frame at the occurrence of a specified time code in the house clock signal (paragraph 99-101).

Regarding claim 53, Freeman discloses the use of at least one respective data link between the decoder pair and the video server for transmission of MPEG data (figure 4, input to RF demodulators 102a/b, paragraphs 87-88), and at least one dedicated data link between the video server and decoder pair for the transmission of control commands (paragraphs 99-101, 109, 122-124, the data is transmitted downstream along with the MPEG data over the same pathway).

Regarding claims 54 and 56, Freeman discloses the use of a backchannel encoder 368, which transmits data back to the headend, which includes edit requests (interactive selection) and asynchronous status reports (demographic data for advertising) (paragraphs 118, 120, 169-187).

5. Claims 68 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over by U.S. Patent Application Publication 2002/0129374 A1 to Freeman in view of U.S. Patent 6,018,765 to Durana in further view of U.S. Patent 6,124,878 to Adams.

Regarding claims 68 and 75, the combination of Freeman and Durana fails to disclose sending a request for data including a buffer free space value and an offset

value indicating any data previously transmitted but not yet received from the server, the server responding to the request by sending data to substantially fill the buffer.

Adams discloses a system in which a buffer transmits a fullness value to a server and compares the amount of data current within the data, as well as the age of data previously received from a server and remains in the buffer to a server (figure 9, column 10, lines 14-52, figure 10, column 11, lines 5-60), this data is utilized to determine how much data is to be sent to the buffer, to ensure that the buffer does not become too full.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Freeman and Durana to utilize the buffer monitoring features, including a fullness and age of data attribute of Adams, for the advantage of ensuring that a buffer does not become too full or too old.

6. Claims 18 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over by U.S. Patent Application Publication 2002/0129374 A1 to Freeman in view of U.S. Patent 6,124,878 to Adams in further view of U.S. Patent 6,018,765 to Durana.

Regarding claims 18 and 55, Freeman discloses that the data mover computer is programmed to prepare for switching from the video output from one of the decoders in a pair to a specified in-point frame by the second decoder by fetching data from the disk into buffer memory (paragraphs 85, 123-125) in response to a request from the second buffer.

The combination of Freeman and Adams fails to disclose the use of configuration commands used by the video server for configuring the decoders by the video server obtaining the configuration status of the decoders and by the video server setting operational modes of the respective decoders.

Durana discloses a video server 30 with host 10 and decoders 14, host 10 is in communication with the decoder over command path 16 and receives status and error information (column 3, lines 26-40, column 9, lines 60-67, column 10, line 60-column 11, line 39), the host may utilize various command codes to set the operational modes of the respective decoders via play, pause, continue, stop, select audio and other commands (column 8, line 58-column 9, line 9, 60-column 10, line 59), additional mass storage devices and decoders may be connected to the video server in order to scale from small single user systems to larger multi-user networks (column 3, lines 41-53).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Freeman to utilize the status, control signals, and expandability features of Durana, for the advantages of ensuring that decoders are operating properly, and making it easy to scale a server system so that it may provides services from a small network to a large network.

7. Claims 9, 12, and 69, are rejected under 35 U.S.C. 103(a) as being unpatentable over by U.S. Patent Application Publication 2002/0129374 A1 to Freeman in view of U.S. Patent 6,018,765 to Durana in further view of view of U.S. Patent 5,742,623 to Nuber.

Regarding claims 9, 12, and 69, Freeman discloses that the video server maintains the decoder data buffers in a substantially full condition (paragraphs 85, 124-125).

The combination of Freeman and Durana fails to disclose detecting a loss of data during transmission from the video server to the decoder pair by computing an expected offset value.

Nuber discloses an MPEG 2 system in which a clock value is added to the PTS value in order to calculate an offset (column 15, lines 17-column 16, line 58, column 17, lines 7-27, column 18, lines 37-53, column 25, lines 33-54) to determine if a packet has been lost and if so, a recovery process is initiated.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Freeman and Durana to utilize the offset calculation, error detection and correction features of Nuber, for the advantage of initiating a data recovery process.

8. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over by U.S. Patent Application Publication 2002/0129374 A1 to Freeman in view of U.S. Patent 6,124,878 to Adams in further view of U.S. Patent 5,742,623 to Nuber.

The combination of Freeman and Adams fails to disclose detecting a loss of data during transmission from the video server to the decoder pair.

Nuber discloses an MPEG 2 system in which a clock value is added to the PTS value in order to calculate an offset (column 15, lines 17-column 16, line 58, column 17, lines 7-27, column 18, lines 37-53, column 25, lines 33-54) to determine if a packet has been lost and if so, a recovery process is initiated.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Freeman and Adams to utilize the offset calculation, error detection and correction features of Nuber, for the advantage of initiating a data recovery process.

9. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over by U.S. Patent Application Publication 2002/0129374 A1 to Freeman in view of U.S. Patent 6,018,765 to Durana in further view of U.S. Patent 6,441,832 to Tao.

Regarding claim 63, Freeman discloses that a user may select content or targeted content may be presented to the user (paragraphs 118, 120, 176-187).

The combination of Freeman and Durana fails to disclose the use of an operator control station coupled to the controller server for transmitting a playlist and edit commands from an operator to a controller server for controlling and editing content.

Tao discloses the use of a playlist editor (figures 15/17) via a pc24 and coupled to a number of hard drives 72-78 (column 9, lines 55-column 31), thus enabling a program provider to easily tailor the broadcasting of their content.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Freeman and Durana to utilize the playlist and playlist generation computer of Tao, for the advantage of enabling a program provider to easily tailor and manage the broadcasting of their content.

Allowable Subject Matter

10. Claim76-80 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL

JOHN MILLER
SUPERVISORY PATENT EXAMINER
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